

# **Empty Dwellings Policy**

## **Contents**

- 1. Introduction**
- 2. Aims of the Policy**
- 3. Strategic context**
- 4. Evidence base**
- 5. Operation**

### **1**

## **Introduction**

Breckland Council recognises that empty dwellings are a wasted resource at a time of housing scarcity. Returning such dwellings to use, or demolishing them to free up land for redevelopment, can help to meet housing needs at relatively little cost.

Many dwellings will be empty periodically as part of the normal housing market processes. However where a dwelling remains empty for long periods (six months or longer), concerns will arise as to its long term viability. The longer a dwelling is empty, the greater will be the risk of deterioration and eventual collapse.

Empty dwellings can become a target for anti-social behaviour; visually blight the streetscape; create a hazard through decay; and act as a deterrent to environmental and social improvement.

Through a mix of enforcement, advice, guidance and financial support, Breckland Council will act to bring empty dwellings back into use, or seek to have them demolished to allow redevelopment of the land.

## 2

### Aims of the Policy

The aims of the policy are:

- To bring empty dwellings back into use at the Decent Homes Standard.
- To bring about demolition of empty dwellings that cannot be brought up to Decent Homes Standard, in order to free up land for new development.
- To help increase the supply of housing units.
- To ameliorate nuisances associated with long term emptiness.
- To help improve the local environment.

## 3

### Strategic context

All enforcement, regulatory and advisory activity carried out by Breckland Council's private sector Housing Team is under the auspices of Acts of Parliament; Rules and Orders made thereunder; and Guidance, both statutory and advisory, issued by the appropriate National Authority. These, collectively, give either a duty or a power to the function.

Primary legislation :	Housing Act 2004 Environmental Protection Act 1990 Local Government (Miscellaneous Provisions) Act 1982 Prevention of Damage by Pests Act 1949
Secondary legislation :	Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
BVPI :	64 returning empty dwellings to use or demolish
PSA :	None
Written policy:	Yes

The Housing Act 2004 sets out the regulatory framework by which the condition of dwellings is assessed: the Housing Health and Safety Rating System, (HHSRS). The Decent Homes Standard is a quality, but not an intervention, standard but dwellings will fail this standard if they fail HHSRS to the extent of having a Category 1 hazard.

The Act also sets out the duties and powers to deal with failures under HHSRS, (Hazard Awareness and Improvement Notices, Prohibition and Demolition Orders), and also specific powers to deal with empty dwellings through Interim and Final Empty Dwelling Management Orders, (EDMOs).

The Environmental Protection Act 1990 allows for the taking of action against a person who, by whose act, default or sufferance, allows a nuisance to arise, or continue. In the case of an empty dwelling giving rise to a nuisance, or becoming prejudicial to health, action could be taken against an owner to abate that nuisance.

Where an unoccupied building, or one from which the occupier is temporarily absent, is not considered to be secure against unauthorised entry a Local Authority may require that it is so secured.

In all of the above legislation works in default powers exist in the event of non-compliance with full recovery of costs.

Where a dwelling has been unoccupied for at least two years immediately prior to being refurbished and improved for occupation, the works can be rated at 5% VAT and in certain cases the sale of renovated dwellings can be zero rated for VAT if they are being sold after being empty for 10 years or more since the completion date of the renovation. Further details are available from HM Revenue and Customs.

## 4

### **Evidence Base**

Evidence for numbers and locations of empty dwellings will be obtained from a number of sources.

Primary sources of evidence on overall numbers will be through stock condition surveys carried out at no more than five yearly intervals. Such

surveys are sample surveys of around 1000 dwellings. The last such survey was carried out in July 2007 and indicated that 4.2% of the total housing stock was vacant, equating to 2264 dwellings. However half of that figure were only vacant for the purpose of sale or rent, i.e. were part of normal market processes. Of the remainder, 0.2% (94 dwellings) were undergoing repair or refurbishment, leaving 1.9% (1031 dwellings) to be considered long term empty with no immediate resolution.

In order to specifically identify empty dwellings to address, a survey was carried out in 2005 and all such dwellings were entered on the APP database and coded so they can be easily identified.

On a monthly basis Anglia Revenues Partnership, who levy the Council Tax on Breckland Council's behalf, send a list of dwellings currently rated as vacant. This is correlated with the APP data to produce an up to date list of vacant dwellings.

Parish Councils are also asked, periodically, on any empty dwellings known to them to be advised to Breckland Council.

Additional information on empty dwellings is obtained by complaints from members of the public and by direct observation by officers of the Council whilst out and about.

## 5

### Operation

Under BVPI 64 Breckland Council will set an annual target of empty dwellings to be brought back into use or demolished. This target is embedded in the Council's Annual Delivery Plan. Progress against the target is monitored monthly and reported through the Council's performance monitoring process.

Action to achieve that target is through the following procedures:

#### **1) Officer action**

All Private Sector Housing district officers will have a number of empty dwellings, between six and ten, which they are intensively dealing with at any one time.

Officers will seek to identify owners of such dwellings and initially contact them to establish why the dwelling is empty and to advise that it is being monitored. Initially owners will be given advice on options for bringing the property back into use or for demolition and reuse of the land.

Dependant on progress, action may then escalate to enforcement, (see below). Where there is evidence of satisfactory progress towards resolution the situation will be monitored and reported monthly.

As a dwelling is brought back into use, or demolished, the officer will cease to work on that particular dwelling and another will be brought forward for intensive action.

## **2) Advice and guidance**

Officers will give advice and guidance on options for dealing with empty dwellings which will include signposting to external sources and other internal departments, e.g. Planning.

Owners will be given advice on sources of funding to assist with the costs of refurbishment as well as non-financial options.

Such advice and guidance will be given before consideration of any enforcement action save where immediate action is required to deal with any nuisance or threat to health arising from an empty dwelling.

Publicity campaigns will be undertaken periodically through the Council's magazine, Breckland Voice, to raise awareness of the issue with the general public. Specific events e.g. Roadshows, will also be undertaken.

## **3) Enforcement action**

Where there is insufficient progress towards resolution of an empty dwelling, whether an owner has been identified or not, consideration will be given to enforcement action.

Initially this will be the identifying of hazards through the Housing Health and Safety Rating System, (HHSRS). The most satisfactory course of action must be chosen and will be aimed at dealing with the identified hazards and the bringing back into use, or demolition, of the dwelling.

The preferred enforcement route will be through Interim and Final Empty Dwelling Management Orders, (EDMOs).

With an EDMO the Council takes over management, but not ownership, of the dwelling and must take immediate steps to secure occupation. This may include carrying out such works of repair and renovation as are necessary.

This is a discretionary power to secure proper management, and occupation, of a long term empty dwelling, in the following circumstances:

- must have been empty for at least six months;
- the Council has exhausted all routes to bring the dwelling back into use;
- there is no reasonable prospect of the dwelling becoming occupied in the near future without the use of an EDMO.

Initially the Council has to apply to a Residential Property Tribunal for an Interim EDMO. If granted, this will last for a maximum of one year. At the end of that period, or earlier, the Council may hand back management of the property if it believes that the long term occupation of the dwelling has been secured and that confidence in the management is sufficient to ensure that it will continue. If this is not the case, however, the Council may convert the Interim EDMO into a Final EDMO which can last for up to seven years.

Operation of EDMOs will be handled by Havebury Housing Association on the Council's behalf.

#### **4) Private Sector Leasing (Key Potential)**

An alternative to enforcement action, or by voluntary agreement, is a Private Sector Leasing scheme, (PSL).

In this circumstance an owner of an empty dwelling enters into an agreement to hand over management of an empty dwelling to the Council, through its agents Havebury Housing Association. The scheme, called Key Potential, involves taking on the management of an empty dwelling for a negotiated period and includes the carrying out of refurbishment and on-going repairs and maintenance. Costs are

recovered via rent diversion and the property is handed back at the end of the lease period in a fully lettable condition.

### **5) Domicile financial assistance**

As part of its housing renewal policies, Breckland Council provides financial assistance for bringing an empty dwelling back into use.

The Domicile scheme is accessible to landlords, or potential landlords, who wish to refurbish a dwelling and continue to let it.

The assistance is 20% of the cost of refurbishment, up to a maximum of £20,000, and is given as a repayable loan. Conditions are attached to recover monies in the event of default and the loan may be repaid at any time but ceases to be repayable after twenty years.

### **6) Dwellings not secured against unauthorised entry**

Where a dwelling is unoccupied or the owner is temporarily absent, and is not secured against unauthorised entry, the Council may serve on the owner a notice requiring that the property be so secured. If the notice is not complied with the Council may, itself, carry out the necessary works and recover its costs.

### **7) Nuisances arising from empty dwellings**

Where nuisances arise from an empty dwelling the Council will take action to bring about the abatement of the nuisance and preventing its recurrence by serving a notice on the owner under the Environmental Protection Act 1990. In the event of non-compliance the Council may carry out such works as are necessary itself, and recover its costs.

Where there is evidence of pests resorting to an empty property, including its curtilage, a notice can be served on the owner under the Prevention of Damage by Pests Act 1949 to carry out such works to remove them and prevent their recurrence. The Council may carry out the work in default and recover its costs.